

TO THE PUBLIC AND RESIDENTS OF VERNAL CITY:

Notice is hereby given that the **VERNAL CITY PLANNING COMMISSION** will hold a regular meeting on **Tuesday, July 14, 2015 at 7:00 p.m.** in the Vernal City Council Chambers at 374 East Main Street, Vernal, Utah.

AGENDA

A. STANDING BUSINESS

1. Welcome and Designation of Chair and Members
2. Approval of Minutes of June 9, 2015 Regular Meeting **(TAB 1)**

B. PUBLIC HEARINGS – 7:05 P.M.

1. Request for Recommendation of a Minor Subdivision for Applicant Jason & Jeanne Lewis for the Property Located at 1109 West 500 South, Vernal, Utah (Parcel# 05:059:0055 Johnson, DeeDee M Trustee) – Application No. 2015-011-SUB – Allen Parker – **(TAB 2)**
2. Request for Recommendation of a Rezone for Jason & Jeanne Lewis for the Property Located at 1109 West 500 South, Vernal, Utah (Parcel# 05:059:0055 Johnson, DeeDee M Trustee) – Application No. 2015-010-REZ – Allen Parker **(TAB 3)**
3. Request for Recommendation of a Rezone for Scott, Glenna C Trustee for the Property Located at 1109 West 500 South, Vernal, Utah (Parcel# 05:059:0063) – Application No. 2015-013-REZ – Allen Parker **(TAB 4)**
4. Request for Recommendation to Consider Amending the Vernal City Municipal Planning & Zoning Code – Chapter 16.14 – Conditional Uses – Ordinance No. 2015-11 – Allen Parker **(TAB 5)**
5. Request for Recommendation to Consider Amending the Vernal City Municipal Planning & Zoning Code – Section 16.22.040 – Noncompliance – Ordinance No. 2015-16 – Allen Parker **(TAB 6)**

C. ADJOURN

1 **MINUTES of the Vernal City PLANNING COMMISSION**

2 Vernal City Council Chambers - 374 East Main Street, Vernal, Utah

3 June 9, 2015

4 7:00 p.m.

5
6 **Members Present:** Vice-Chair Samantha Scott, Ken Latham, Kathleen Gray, Scott
7 Gessell, and Kimball Glazier

8
9 **Members Excused:** Chair Mike Drechsel and Rory Taylor

10
11 **Alternates Present:** Adam Ray

12
13 **Alternates Excused:** Kam Pope and Isaac Francisco

14
15 **Staff Present:** Allen Parker, Assistant City Manager; Corey Coleman, Building
16 Official; and Sherri Montgomery, Administrative Clerk.

17
18 **WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** Vice-Chair Samantha
19 Scott welcomed everyone present to the meeting.

20
21 **APPROVAL OF MINUTES FROM APRIL 14, 2015:** Vice Chair Samantha Scott asked if
22 there were any changes to the minutes from April 14, 2015. There being no corrections, *Scott*
23 *Gessell moved to approve the minutes of April 14, 2015 as presented. Kathleen seconded the*
24 *motion. The motion passed with Kimball Glazier, Adam Ray, Kathleen Gray, Samantha Scott,*
25 *Ken Latham, and Scott Gessell voting in favor.*

26
27 **REQUEST FOR RECOMMENDATION OF A MINOR SUBDIVISION FOR JASON &**
28 **JEANNE LEWIS FOR THE PROPERTY LOCATED AT 1109 WEST 500 SOUTH,**
29 **VERNAL, UTAH – APPLICATION NO. 2015-011-SUB – ALLEN PARKER –**
30 **CANCELED:** This agenda item was advertised for a public hearing at this meeting. The
31 applicant requested this item be postponed until next month's meeting.

32
33 **REQUEST FOR RECOMMENDATION OF A MINOR SUBDIVISION FOR CRAIG**
34 **REESE FOR THE PROPERTY LOCATED AT 514 & 536 WEST ROBBINWOOD**
35 **LANE, VERNAL, UTAH – APPLICATION NO. 2015-007-SUB – ALLEN PARKER:**
36 Allen Parker explained that the Craig Reese is requesting approval of a minor subdivision of two
37 parcels into three parcels located on the corner of 1100 South 500 West. The property is located
38 in a RA-1 residential zone. Corey Coleman pointed out that there was an error on the staff report
39 in the packets. It says one parcel would be one acre and two parcels at .23 acre, and it should
40 have said that the one parcel would be ½ acre. Mr. Parker stated that each of the new parcels
41 meet dimensional and area standards set forth in Vernal City Code. Staff has conducted a full
42 review and found that the submittal is in substantial compliance with Vernal City requirements.
43 An engineering review has been conducted of the application by Timberline Engineering and
44 Land Surveying and the submittal is in substantial compliance with applicable engineering
45 standards. Vice-Chair Samantha Scott opened the public hearing for the minor subdivision
46 request. Craig Reese stated his address of P.O. Box 508 Vernal, Utah. Mr. Reese explained that

47 this was a nice piece of ground, and the split will work out well for homes to build the area up.
48 Vice-Chair Samantha Scott closed the public hearing. *Kimball Glazier moved to forward a*
49 *positive recommendation to the City Council for a minor subdivision for Craig Reese for the*
50 *property located at 514 & 536 West Robbinwood Lane, Vernal, Utah – Application No. 2015-007-SUB*
51 *with corrections as noted by staff and engineering. Adam Ray seconded the motion. The*
52 *motion passed with Kimball Glazier, Adam Ray, Kathleen Gray, Samantha Scott, Ken Latham,*
53 *and Scott Gessell voting in favor.*
54

55 **REQUEST FOR RECOMMENDATION OF A FINAL PLAT FOR GARDNER SPLIT**
56 **MOUNTAIN VILLAGE SUBDIVISION FOR THE PROPERTY LOCATED AT 256**
57 **EAST 600 SOUTH, VERNAL, UTAH – APPLICATION NO. 2015-008-SUB – ALLEN**
58 **PARKER:** Allen Parker explained that Scott Gardner is requesting approval of a final plat for a
59 subdivision dividing one parcel into 26 building pads with accompanying common space, as well
60 as creating a new section of public roadway on 600 South. This property is located in an R-4
61 residential zone on 3.2 acres located at 256 East 600 South. This is the third phase of a
62 previously approved preliminary plat. This final plat is in accordance with the design of that
63 preliminary plat and the requirements of Vernal City Code. Staff has conducted a full review
64 and found that the submittal is in substantial compliance with Vernal City requirements and only
65 minor corrections were noted. An engineering and surveying review has been conducted of the
66 application and the submittal is in substantial compliance with applicable engineering and
67 surveying standards with only minor corrections noted. Mr. Parker stated that it should be noted
68 that an application for final plat was made and approved in October of 2014 for this phase of the
69 Split Mountain development. The applicant had 90 days to record that plat from the date of
70 approval and that time period lapsed. This new submittal is almost identical with the main
71 difference being an adjustment to the setbacks to reflect a recently passed amendment to Vernal
72 City Code. Kimball Glazier asked where the storm water retention is being retained in this
73 phase. Mr. Parker explained that it is within the development, but not within this phase of the
74 development. Scott Gardner stated that the storm water is retained just south of 700 south for the
75 entire project. Mr. Gardner stated that they have put in half of the 600 south roadway with
76 asphalt. Mr. Gardner added that when they found out that the setbacks had been changed, they
77 moved some of the homes and created better parking. *Kimball Glazier moved to forward a*
78 *positive recommendation to the City Council for the final plat of Gardner Split Mountain*
79 *Village subdivision located at 256 East 600 South, Vernal, Utah – Application No. 2015-008-*
80 *SUB with corrections as noted by staff and engineering. Kathleen Gray seconded the motion.*
81 *The motion passed with Kimball Glazier, Adam Ray, Kathleen Gray, Samantha Scott, Ken*
82 *Latham, and Scott Gessell voting in favor.*
83

84 **VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTERS 16.36,**
85 **16.38, 16.40, 16.42, AND 16.44 - SIZE AND FINISHES OF BUILDINGS IN**
86 **RESIDENTIAL ZONES – ALLEN PARKER:** Allen Parker explained that he had been asked
87 by a Councilmember to bring this issue up for discussion to consider amending the Code. Mr.
88 Parker stated that the issue is the types of structures allowed in a residential zone. The concerns
89 of the City Council are height of buildings, exterior finishes, ratio of dwelling space to garage in
90 a main structure, and the setbacks of tall structures from other lots. There is a large steel
91 structure in town within an R-2 residential zone. It is a two-story industrial building that is
92 approximately 80% a shop and in the back portion, there is an apartment. This makes it a house
93 and is perfectly legal. Mr. Parker explained that the way the Code is written allows for these sort

of things in these different zones. Does this have a negative impact on the neighbors with a nice house having a steel structure next to it? Mr. Parker stated that the definition of an accessory structure needs addressed to make it simpler. Mr. Parker reads the current definition of an accessory building from the Code. The current Code allows for an accessory structure to be a part of the main building. The Planning Commission discussed looking at the height of a building, setbacks, type of exteriors, or adding a dwelling space ratio to the garage ratio like 50/50 or greater. Mr. Parker stated that the question that was raised is if the City wants a metal structure to be allowed in a dense residential zone and to be used as a house. Mr. Parker explained that it becomes an issue with property rights versus the impact it may have on the adjoining neighbors. Kimball Glazier asked when does an accessory building become a nuisance. Mr. Parker explained that a nuisance is defined as anything built outside of the requirements of the Code. Mr. Parker reads the nuisance abatement section of the Code. Mr. Glazier stated that he felt that this issue should be addressed in the CC&R's (Covenants, Conditions & Restrictions) of a subdivision to protect the property owners. Samantha Scott asked if this was the first structure in question that has been an eye sore. Mr. Parker explained there are other ones, but this particular one was the first one that has taken the route to create a shop with an apartment in it and call it a house. Mr. Glazier asked if this shop is used for commercial practices. Mr. Parker stated no, it cannot be used as commercial, because it is in a residential zone. Mr. Glazier confirmed that the shop is used for private use only. Mr. Parker stated yes. Scott Gessell asked if there are any parking issues. Mr. Parker stated no, it requires two parking spots.

Mr. Glazier asked if the Commission needs to address accessory buildings as part of the main structure by definition. Mr. Parker explained that he brought this issue up as a discussion item only to figure out if and what needs addressing at this time. The Commission addressed setbacks, property lines, Fire Code as it relates to accessory buildings and agreed that it is hard to infringe on someone's property rights. Jeff Shaffer, Vernal City employee and resident, discussed with the Commission some ideas on how these issues were dealt with in California. They would add to the permit a clause requiring an applicant to notify the surrounding residents within 30 days of their intent to change a structure to see if anyone was opposed to it. Mr. Glazier asked what happened if someone did complain. Mr. Shaffer stated that no one complained. Mr. Glazier asked if an objection would be forwarded to the Planning Commission. Mr. Shaffer stated yes. Mr. Parker stated that a conditional use permit for a steel structure in a residential zone might work. The conditional use could define the kinds of negative impacts on adjoining property owners. Mr. Parker stated that there needs to be some standards set for the staff to enforce to be continued at a later meeting.

VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.12 - REBUILDING NON-CONFORMING STRUCTURES – ALLEN PARKER: Allen Parker explained that currently in the Code if you have a noncomplying structure and a noncomplying lot, and you want to tear the house down and build something new, it cannot be done legally. To rebuild, you would need to comply with the current standards and setbacks, and most of those lots are not buildable lots due to their size, unless it is involuntarily destroyed. Mr. Parker asked if the Code is not allowing change to happen in some neighborhoods. Adam Ray stated that sometimes change cannot happen in certain neighborhoods. Kimball Glazier stated that it could happen if they bought two lots together. Mr. Glazier added that this is a huge double standard

that could cause many problems. Mr. Parker explained that he does not want to hold a public hearing and change the Code unless the Planning Commission sees a need for it. Kathleen Gray stated that someone would need two lots to build a home, but it would clean it up and make it a nicer area, unless the future of that area is central commercial clear to 500 south. Mr. Parker reported to the Commission that the City Council approved the general plan and future land use map. Mr. Glazier asked if some of these areas were addressed during the general plan amendment. Mr. Parker stated yes as far as the map was concerned. Mr. Glazier stated that if it left the way it is, if someone wants to make a change, they could follow the new general plan. Ms. Gray asked what part is not in compliance. Mr. Parker explained that it could be a narrow lot, but most of the time, it is the setbacks that are wrong. Mr. Glazier stated that the Code was corrected for a reason, and we do not want to accept our old mistakes. Mr. Parker stated that we do not want to create a standard that we do not want anymore. Jeff Shaffer stated that in the building code, they use three words: shall, should, and must. However, exceptions can be made. Mr. Shaffer suggested the Code remain the same, but allowing exceptions in certain developments for redevelopment purposes. Mr. Parker stated that maybe this could also be addressed by zoning. The Commission agreed that this topic is not something that needs addressed at this time.

VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.04 –

DEFINITION OF YARDS – ALLEN PARKER: Allen Parker explained that architectural projection is something that sticks outside of your house. Mr. Parker stated that he would like to see it change to remove anything about occupancy. Mr. Parker reads the suggested changes to the Code. Kimball Glazier asked if roof beams fall into this classification. Mr. Parker stated yes, and awnings, bay windows, etc. Mr. Glazier asked how it would work if you wanted to build a 12 foot deck off of your house. Mr. Parker explained that a deck is not architectural. Kathleen Gray asked if a porch was architectural. Mr. Parker stated that it depends on how a porch is attached to the house. Mr. Parker explained that the Code needs to be more clean. An architectural projection is what intrudes into the setback like a bay window. Mr. Parker explained that we want people to be able to install fireplaces, bay windows, etc. Mr. Parker explained that the definition of frontage is from Sandy City's Code, which is more simple and clean. Mr. Parker explained that under the lot, he removed the last sentence, because it conflicts with the rest of the Code. Mr. Parker stated that the rest of the changes are cleaning up the definition of yards. The Commission agreed with the Code changes. Mr. Parker will add this item as a public hearing at a future meeting.

ADJOURN: There being no further business, *Kathleen Gray moved to adjourn. Adam Ray seconded the motion. The motion passed with a unanimous vote, and the meeting was adjourned.*



VERNAL PLANNING COMMISSION STAFF REPORT

DATE: 10 July 2015

ITEM: **B1**

APPLICATION:	2015-010-SUB (Jason & Jeanne Lewis)		
APPLICANT:	Jason & Jeanne Lewis		
LOCATION:	1109 West 500 South	PARCEL NUMBER(S):	05:059:0055
ACREAGE:	3		
ZONING:	RA-1		

ANALYSIS:

The applicant is requesting approval of a minor subdivision of one parcel into two parcels, yielding one parcel at one acre, and one parcel at two acres. Each of the new parcels meet dimensional and area standards set forth in Vernal City Code. Staff has conducted a full review and found that the submittal is in substantial compliance with Vernal City requirements. An engineering review has been conducted of the application by Tri-State Land Surveying and, aside from some minor corrections, the submittal is in substantial compliance with applicable engineering standards.

STAFF RECOMMENDATIONS:

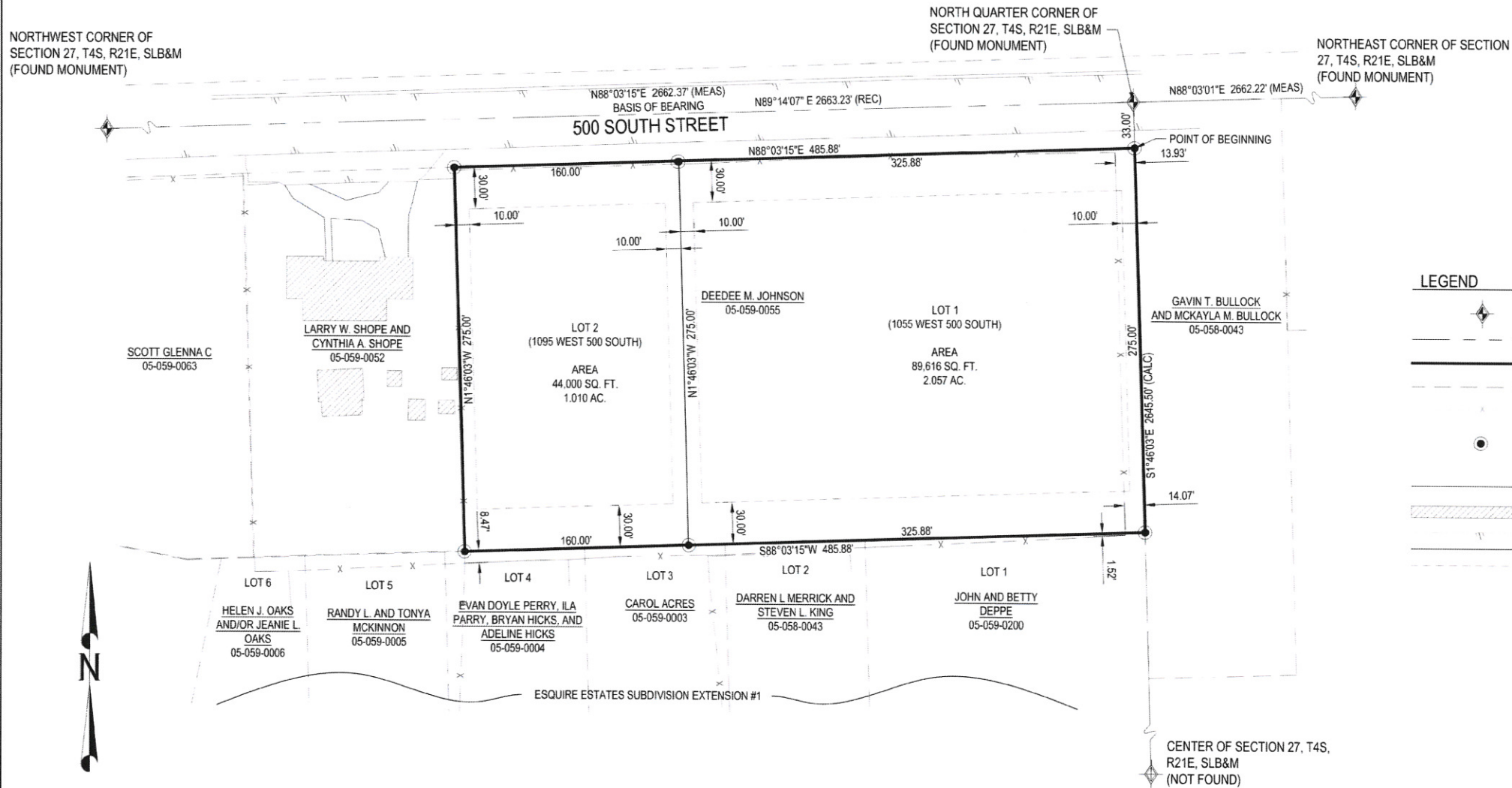
This application is in substantial compliance with Vernal City Code and the requirements contained therein. Staff finds that this is an approvable application with the following conditions:

1. Any and all corrections required by staff and/or engineering are made.

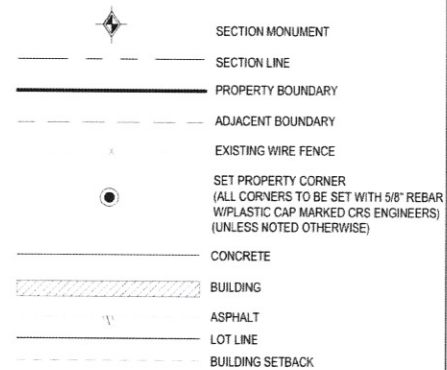
A handwritten signature in blue ink, appearing to read "Allen Parker".

Allen Parker
Assistant City Manager/Planning Director

WARRIOR'S WAREHOUSE MINOR SUBDIVISION
LOCATED IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 4 SOUTH,
RANGE 21 EAST, SALT LAKE BASE & MERIDIAN, UINTAH COUNTY, UTAH



LEGEND



NOTES:

1. THE SOUTH FENCE LINE CONTINUES BEYOND THE SOUTH LIMITS OF THE DEED BY 8.47 FEET ON THE WEST END DOWN TO 1.52 FEET ON THE EAST END.
2. THE EAST FENCE LINE IS WEST OF THE EAST DEED LIMITS BY 13.93 FEET AT THE NORTH END AND 14.07 FEET AT THE SOUTH END.
3. A BOUNDARY LINE AGREEMENT IS RECOMMENDED TO CLEAR UP DEED AND FENCE CONFLICTS

SURVEYOR'S CERTIFICATE

I, BRUCE A. WILLIAMS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 368351 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, HEREAFTER TO BE KNOWN AS THE UINTAH FIRE SUBDIVISION AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

DATE OF PLAT OR MAP:
BRUCE A. WILLIAMS, PLS
LICENSE NO. 368351

RECORD DESCRIPTION OF JOHNSON PROPERTY

BEGINNING AT A POINT ON THE EAST LINE OF THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 27, T4S, R21E, S.L.B.&M. WHICH BEARS S1°46'24"E ALONG THE EAST LINE OF THE SAID NE $\frac{1}{4}$ NW $\frac{1}{4}$ 275.00'; THENCE S88°02'54"W PARALLEL TO THE NORTH LINE OF THE SAID NE $\frac{1}{4}$ NW $\frac{1}{4}$ 485.88'; THENCE N1°46'24"W PARALLEL TO THE SAID EAST LINE OF THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ 275.00'; THENCE N88°02'54"E PARALLEL TO THE SAID NORTH LINE OF THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ 485.88' TO THE POINT OF BEGINNING. BASIS OF BEARINGS IS THE NORTH LINE OF THE NW $\frac{1}{4}$ OF SAID SECTION WHICH IS ASSUMED FROM UINTAH COUNTY SURVEYOR INFORMATION TO BEAR N88°02'54"E. CONTAINS 3.07 ACRES MORE OR LESS. TOGETHER WITH THE IMPROVEMENTS THEREON AND APPURTENANCES THEREUNTO BELONGING, AND ALL WATER AND WATER RIGHTS AND RIGHTS OF WAY AND DITCH RIGHTS HELD AND USED IN CONNECTION THEREWITH, AND IN PARTICULAR THE DECREEED WATER RIGHT APPURTENANT TO SAID LAND FROM THE MCNAUGHTON CULCH.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE DIVIDED INTO LOTS AS SHOWN HEREON, TO BE HEREAFTER KNOWN AS:

WARRIOR'S WAREHOUSE SUBDIVISION

DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND AND EASEMENTS AS SHOWN ON THIS PLAT AS INTENDED FOR PRIVATE AND PUBLIC USE.

DATED THIS _____ DAY OF _____, 20____.

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF UINTAH) S.S.

ON THIS _____ DAY _____, A.D. 20____, PERSONALLY APPEARED BEFORE ME,

WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) AND WHO BY ME BEING DULY SWORN (OR AFFIRMED), DID SAY THAT (T)(S)HE(Y) IS(ARE) THE OWNERS OF THE PROPERTY, AS SHOWN ON THIS PLAT AND THAT SAID DOCUMENT WAS SIGNED BY (T)(S)HE(Y) FOR THE PURPOSES HEREON STATED

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

SHEET 1 OF 1

WARRIOR'S WAREHOUSE MINOR SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 SOUTH,
RANGE 21 EAST, SALT LAKE BASE & MERIDIAN, UINTAH COUNTY, UTAH.

RECORDED # _____

STATE OF UTAH, COUNTY OF UINTAH, RECORDED AND FILED AT THE
REQUEST OF: _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEES _____ UINTAH COUNTY RECORDER

UINTAH COUNTY PLANNER

APPROVED THIS _____ DAY OF _____, A.D. 20____.

UINTAH COUNTY PLANNER

UINTAH COUNTY TREASURER

APPROVED THIS _____ DAY OF _____, A.D. 20____.

UINTAH COUNTY TREASURER

UINTAH COUNTY HEALTH DEPARTMENT

APPROVED THIS _____ DAY OF _____, A.D. 20____.

DIRECTOR UINTAH COUNTY HEALTH DEPT



SALT LAKE CITY OFFICE:
2050 EAST 2100 SOUTH
SALT LAKE CITY, UTAH 84109
PHONE 801 359 5565
FAX 801 359 4272
www.crsengineers.com



VERNAL PLANNING COMMISSION STAFF REPORT

DATE: 10 July 2015

ITEM: **B2**

APPLICATION:	2015-010-REZ (Jason & Jeanne Lewis)		
APPLICANT:	Jason & Jeanne Lewis		
LOCATION:	1109 West 500 South	PARCEL	05:059:0055
ACREAGE:	3	NUMBER(S):	
ZONING:	RA-1		

ANALYSIS:

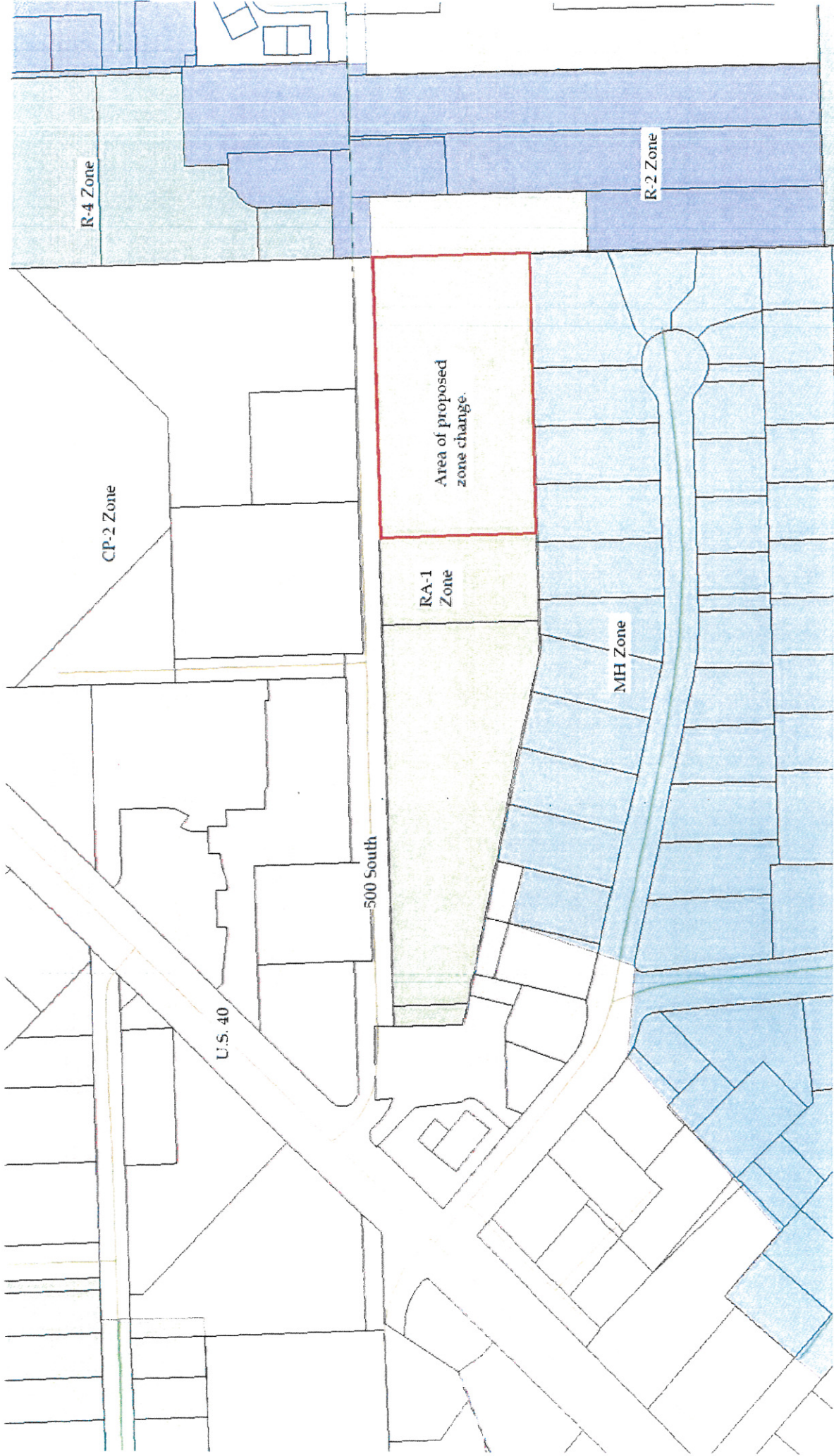
Jason and Jeanne Lewis are requesting that the zoning map be amended changing parcel 05:059:0055, located at 1109 West 500 South, from its current designation of **RA-1** to **CP-2**. The area of the request is currently vacant. The adjoining parcels to the north are currently zoned CP-2. The parcels to the south are zoned MH. The parcels to the east and west are zoned RA-1. Surrounding land uses include residential and commercial. Due to the large block of CP-2 adjoining the request to the north, this would not constitute "spot zoning". The Vernal City General Plan indicates future land use for the area of the request to be "commercial", a designation that is compatible with this request.

STAFF RECOMMENDATIONS:

The application has been made in accordance with the requirements Vernal City Code and is approvable.

A handwritten signature in blue ink, appearing to read "Allen Parker".

Allen Parker
Assistant City Manager



ORDINANCE NO. 2015-17
JOHNSON, DEEDEE M TRUSTEE REZONE

AN ORDINANCE AMENDING THE OFFICIAL VERNAL CITY ZONING MAP BY THE REZONING OF PROPERTY.

WHEREAS, the City Council finds that the regulation of zoning within the City is necessary for orderly growth within the community, and;

WHEREAS, the City Council deems it to be in the best interest of the health, safety and welfare of the citizens to incorporate the following changes to the provisions of the Vernal City Zoning Map, and;

WHEREAS, the City Council has received input from the public at large in duly noticed open meetings, and has considered and discussed the advantages and disadvantages of such zoning amendment;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF VERNAL CITY, UTAH AS FOLLOWS:

SECTION 1. Description. The following parcels of properties in Vernal, Utah are rezoned from RA-1 (Residential) to CP-2 (Commercial): (See attachment A)

LEGAL DESCRIPTION: 05:059:0055 (1109 West 500 South, Vernal, Utah)

BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHEAST/4NORTHWEST/4 OF SECTION 27,T4S,R21E,SLM WHICH BEARS SOUTH 1*46'24" EAST 33.00' FROM THE NORTH/4 CORNER OF SAID SECTION, THENCE SOUTH 01*46'24" EAST ALONG THE EAST LINE OF THE SAID NORTHEAST/4NORTHWEST/4 275.00'; THENCE S 88*02'54" WEST PARALLEL TO THE NORTH LINE OF SAID NORTHEAST/4NORTHWEST/4 485.88'; THENCE NORTH 1*46'24" WEST PARALLEL TO THE SAID EAST LINE OF THE NORTHEAST/4NORTHWEST/4 275.00'; THENCE NORTH 88*02'54" EAST APR TO THE SAID NORTH LINE OF THE NORTHEAST/4NORTHWEST/4 485.88' TO THE POINT OF BEGINNING CONTAINS 3.07 ACRE MORE OR LESS.

SECTION 2. Repealer. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code are hereby repealed.

SECTION 3. Severability. The provisions of this ordinance shall be severable and if any provision thereof or the application of such provision under any circumstances is held invalid and it shall not affect the validity of any other provision of this ordinance or the application in a different circumstance.

SECTION 4. Effective Date. This ordinance shall take effect the day after publication the _____ day of _____, 2015.

ORDINANCE NO. 2015-17
JOHNSON, DEEDEE M TRUSTEE REZONE

PASSED, ADOPTED AND ORDERED published after the development agreement has been approved, this _____ day of _____, 2015.

ATTEST:

Mayor Sonja Norton

Kenneth L. Bassett, City Recorder

(S E A L)

Date of Publication: _____





VERNAL PLANNING COMMISSION STAFF REPORT

DATE: 10 July 2015

ITEM: **B3**

APPLICATION:	2015-013-REZ (Glenna Scott)		
APPLICANT:	Glenna Scott		
LOCATION:	1109 West 500 South	PARCEL	05:059:0063
ACREAGE:	3.15	NUMBER(S):	
ZONING:	RA-1		

ANALYSIS:

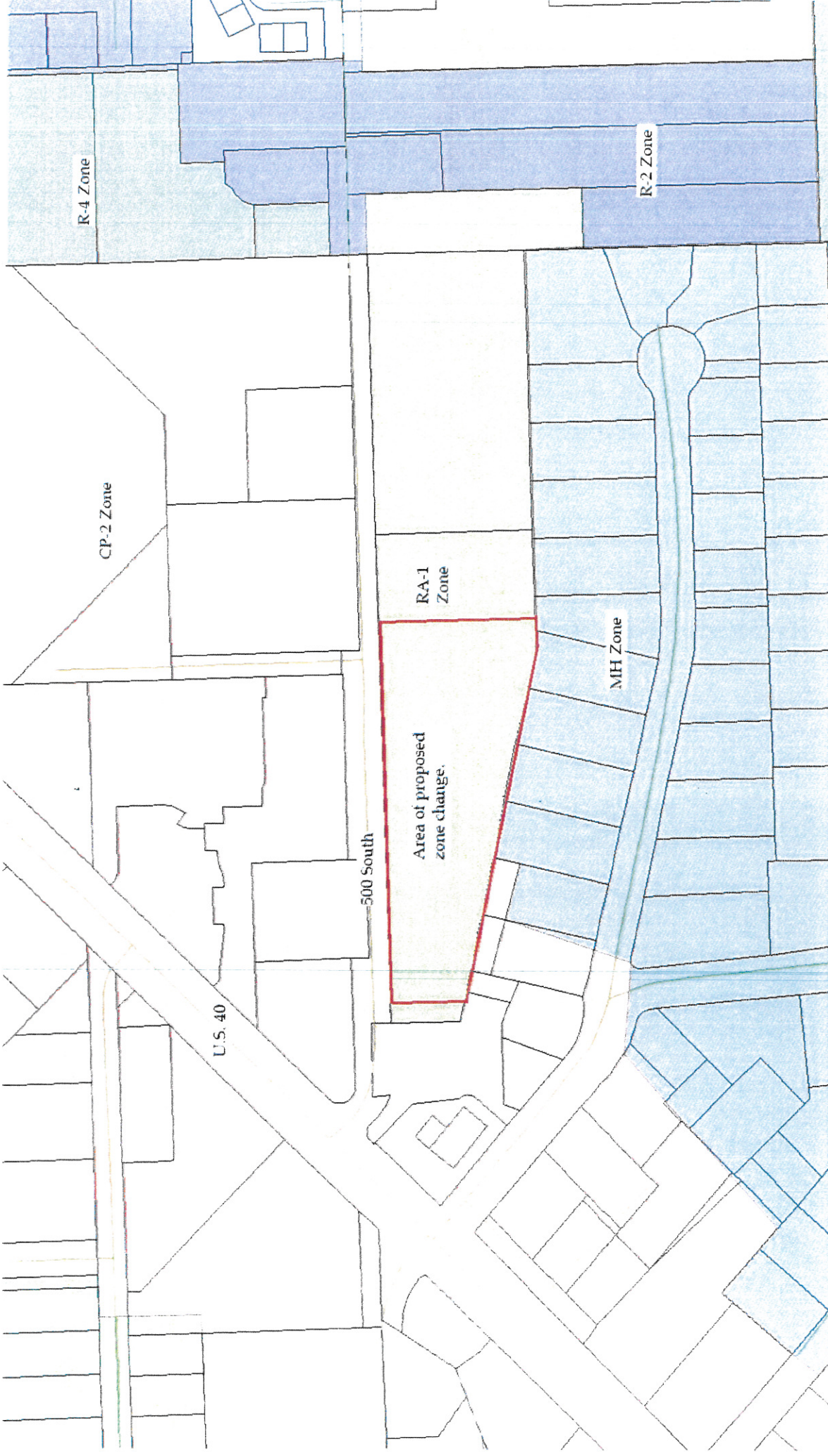
Glenna Scott is requesting that the zoning map be amended changing parcel 05:059:0063, located at 1109 West 500 South, from its current designation of **RA-1** to **CP-2**. The area of the request is currently vacant. The adjoining parcels to the north, west and a portion of the south are currently zoned CP-2. The remaining parcels to the south are zoned MH. The parcel to the east is zoned RA-1. Surrounding land uses include residential and commercial. Due to the large block of CP-2 adjoining the request to the north and west, this would not constitute "spot zoning". The Vernal City General Plan indicates future land use for the area of the request to be "commercial", a designation that is compatible with this request.

STAFF RECOMMENDATIONS:

The application has been made in accordance with the requirements Vernal City Code and is approvable.

A handwritten signature in blue ink, appearing to read "Allen Parker".

Allen Parker
Assistant City Manager



R-4 Zone

R-2 Zone

CP-2 Zone

RA-1
Zone

MH Zone

Area of proposed
zone change.

500 South

U.S. 40

ORDINANCE NO. 2015-18
SCOTT, GLENNA C TRUSTEE REZONE

AN ORDINANCE AMENDING THE OFFICIAL VERNAL CITY ZONING MAP BY THE REZONING OF PROPERTY.

WHEREAS, the City Council finds that the regulation of zoning within the City is necessary for orderly growth within the community, and;

WHEREAS, the City Council deems it to be in the best interest of the health, safety and welfare of the citizens to incorporate the following changes to the provisions of the Vernal City Zoning Map, and;

WHEREAS, the City Council has received input from the public at large in duly noticed open meetings, and has considered and discussed the advantages and disadvantages of such zoning amendment;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF VERNAL CITY, UTAH AS FOLLOWS:

SECTION 1. Description. The following parcels of properties in Vernal, Utah are rezoned from RA-1 (Residential) to CP-2 (Commercial): (See attachment A)

LEGAL DESCRIPTION: 05:059:0063 (1109 West 500 South, Vernal, Utah)

BEGINNING AT A POINT ON THE NORTHEAST/4NORTHWEST/4 OF SECTION 27,T4S,R21E,SLM WHICH BEARS SOUTH 1*46'24" EAST PARALLEL TO THE EAST LINE OF THE SAID NORTHEAST/4NORTHWEST/4 33.00' AND SOUTH 88*02'54" WEST 637.06' FROM THE NORTH/4 CORNER OF SAID SECTION, THENCE SOUTH 01*46'24" EAST PARALLEL TO THE SAID EAST LINE OF THE NORTHEAST/4NORTHWEST/4 275.00'; THENCE SOUTH 88*02'54" WEST PARALLEL TO THE NORTH LINE OF THE SAID NORTHEAST/4 NORTHWEST/4 47.94 FEET; THENCE NORTH 78*37'45" WEST 628.60 FEET; THENCE NORTH 1*43'31" WEST 130.15 FEET TO A POINT WHICH BEARS SOUTH 1*43'31" E 33.00' AND NORTH 88*02'54" EAST 34.55 FEET FROM THE NORTHWEST CORNER OF THE SAID NORTHEAST/4NORTHWEST/4; THENCE NORTH 88*02'54" EAST PARALLEL TO THE SAID NORTH LINE OF THE NORTHEAST/4NORTHWEST/4 659.97' TO THE POINT OF BEGINNING. CONTAINS 3.15 ACRE MORE OR LESS.

SECTION 2. Repealer. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code are hereby repealed.

SECTION 3. Severability. The provisions of this ordinance shall be severable and if any provision thereof or the application of such provision under any circumstances is held invalid and it shall not affect the validity of any other provision of this ordinance or the application in a different circumstance.

ORDINANCE NO. 2015-18
SCOTT, GLENNA C TRUSTEE REZONE

SECTION 4. Effective Date. This ordinance shall take effect the day after publication the _____ day of _____, 2015.

PASSED, ADOPTED AND ORDERED published after the development agreement has been approved, this _____ day of _____, 2015.

ATTEST:

Mayor Sonja Norton

Kenneth L. Bassett, City Recorder

(S E A L)

Date of Publication: _____



ORDINANCE NO. 2015-11**AN ORDINANCE AMENDING THE VERNAL CITY MUNICIPAL CODE, CHAPTER 16.14 - CONDITIONAL USES.**

WHEREAS, the City Council finds that the regulation of certain uses within zones is necessary for orderly growth and conduct of business within the City, and;

WHEREAS, the City Council deems it to be in the best interest of the health, safety and welfare of the citizens to incorporate the following changes to the provisions of the Vernal City Code, and;

WHEREAS, the City Council has received input from the public at large in duly noticed open meetings, and has considered and discussed the advantages and disadvantages of such regulation.

BE IT ORDAINED BY THE CITY COUNCIL OF VERNAL CITY, UTAH AS FOLLOWS:

Section 1. Chapter 16.14 is hereby amended to read as follows

16.14 CONDITIONAL USES

Section 2. Section 16.14.010 is hereby amended to read as follows

16.14.010 Purpose.

~~A.~~ The purpose of conditional uses is to allow in certain areas compatible integration of uses which are related to the permitted uses of the zone, but which may be suitable and desirable only in certain locations in that zone due to conditions and circumstances peculiar to that location, and/or upon certain conditions which make the uses suitable, and/or only if such uses are designed, laid out and constructed on the proposed site in a particular manner.

~~B. A conditional use permit shall be required for all uses listed as conditional uses in the zone regulations. A conditional use permit may be revoked by the Planning Commission upon failure to comply with the conditions imposed with the original approval of the permit.~~

~~C. Application.~~

~~1. Application for a conditional use permit shall be made to the Planning Commission.~~

~~2. Detailed location, site and building plans shall accompany the completed application form provided by the City. For structures in existence, only a location plan needs to be provided.~~

~~3. A written description of the proposed use shall be provided.~~

~~4. The application, together with all pertinent information, shall be considered by the Planning Commission at its next regularly scheduled meeting.~~

~~5. The Planning Commission shall take action on the application by the second regularly scheduled meeting of the Planning Commission after the application filing date.~~

~~D. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. - In authorizing any conditional use the Planning Commission shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare.~~

~~E. The Planning Commission shall consider factors specified for each conditional use elsewhere in this title, as well as the following, when reviewing all applications for a conditional use permit:~~

- ~~1. The impact of the use on the adjoining uses and public infrastructure; and,~~
- ~~2. The impact of the use on the health, safety and welfare of the community; and,~~
- ~~3. The ability of the use, as proposed, to operate in compliance with Vernal City Code; and,~~
- ~~4. How the use relates to the Vernal City general plan.~~

~~F. The decision of the Planning Commission may be appealed by filing such appeal within fourteen (14) calendar days after the date of notice of decision is sent to the applicant. - An appeal shall be applied for within the specified time at the Vernal City offices using a form provided by Vernal City with all applicable fees paid. Appeals shall be heard by the Appeals and Variances Hearing Officer.~~

~~G. Unless there is substantial action toward implementing the conditional use permit within a period of one (1) year of the date of its issuance, the conditional use permit shall expire. The Planning Commission may grant one (1) extension period of one (1) year. - If the conditional use permit expires due to inaction, the applicant must reapply for a permit and pay all associated fees. (PZSC § 03-06-001)~~

Section 3. Section 16.14.020 is hereby amended to read as follows

16.14.020 Permit required.

A conditional use permit shall be required for all uses listed as conditional uses in the zone regulations. A conditional use permit may be revoked by the ~~City Council after review and recommendation by the~~ Planning Commission, upon failure to comply with the conditions imposed with the original approval of the permit. (PZSC § 03-06-002)

Section 4. Section 16.14.030 is hereby amended to read as follows

16.14.030 Permit application.

~~A. Application for a conditional use permit shall be made to the Planning Commission.~~

~~B. Detailed location, site and building plans shall accompany the completed application form provided by the City. For structures in existence, only a location plan need be provided.~~

~~C. The application, together with all pertinent information, shall be considered by the Planning Commission at its next regularly scheduled meeting.~~

~~D. The Planning Commission shall call a public hearing on any application for a conditional use permit. The time and place of such hearing shall be published in a newspaper of general circulation in the City and posted on the City's web site. Written notices shall be mailed to each property owner within three hundred (300) feet of the property being considered for a conditional use. The timing of the delivery and posting of the notices shall be in accordance with state code. Such notices shall state the purpose of the hearing, address of property requesting conditional~~

~~use, the type of use being considered, and the date, time and location of the hearing. The Planning Commission shall take action on the application by the second regular meeting of the Planning Commission after the application filing date. A record of the hearing, together with a recommendation for the denial or issuance of the conditional use permit, with conditions of approval or reasons for denial shall be forwarded to the City Council.~~

A. Application for a conditional use permit shall be made to the Planning Commission.

B. Detailed location, site and building plans shall accompany the completed application form provided by the City. For structures in existence, only a location plan needs to be provided.

C. A written description of the proposed use shall be provided.

D. The application, together with all pertinent information, shall be considered by the Planning Commission at its next regularly scheduled meeting.

E. The Planning Commission shall take action on the application by the second regularly scheduled meeting of the Planning Commission after the application filing date.

(PZSC § 03-06-003)

Section 5. Section 16.14.040 is hereby amended to read as follows

16.14.040 Determination for approval of conditional use.

~~The Planning Commission may deny or permit a conditional use to be located within any zone in which the particular conditional use is permitted. In authorizing any conditional use the Planning Commission shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare.~~

A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. In authorizing any conditional use the Planning Commission shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare. (PZSC § 03-06-004)

Section 6. Section 16.14.050 is hereby amended to read as follows

16.14.050 Permit basis for issuance.

~~The Planning Commission shall not authorize a conditional use permit unless evidence is presented to establish that:~~

A. ~~The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community; and~~

B. ~~Such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs; and~~

C. ~~The proposed use will comply with the regulations and conditions specified in this title for such use; and~~

D. ~~The proposed use conforms to the goals, policies and governing principles and land use of the City master plan; and~~

E. ~~The proposed use will not lead to the deterioration of the environment or ecology of the~~

~~general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally affect to an appreciable degree public or private property, including the operation of existing uses thereon, in the immediate vicinity or the community or area as a whole.~~

The Planning Commission shall consider factors specified for each conditional use elsewhere in this title, as well as the following, when reviewing all applications for a conditional use permit:

- A. The impact of the use on the adjoining uses and public infrastructure; and,
- B. The impact of the use on the health, safety and welfare of the community; and,
- C. The ability of the use, as proposed, to operate in compliance with Vernal City Code; and,

D. How the use relates to the Vernal City general plan
(PZSC § 03-06-005)

Section 7. Section 16.14.060 is hereby amended to read as follows

16.14.060 Appeal.

The decision of the Planning Commission may be appealed to the City Council by filing such appeal within fourteen (14) days after the date of notice of decision is sent to the applicant. The City Council may uphold or reverse the decision of the Planning Commission and impose any additional conditions that it may deem necessary in granting an appeal. The decision of the City Council shall be final. by filing such appeal within fourteen (14) calendar days after the date of notice of decision is sent to the applicant. An appeal shall be applied for within the specified time at the Vernal City offices using a form provided by Vernal City with all applicable fees paid. Appeals shall be heard by the Appeals and Variances Hearing Officer. (PZSC § 03-06-006)

Section 8. Section 16.14.070 is hereby amended to read as follows

16.14.070 Conditional use expiration.

~~Upon receipt of a conditional use permit, the developer shall take such permit and conditions attached. Based on this review and compliance with any other items that might develop in the pursuance of his duties, the Building Official may approve an application for a building permit and shall ensure that development is undertaken and completed in compliance with the conditional use permit and conditions pertaining thereto.~~

Unless there is substantial action toward implementing the conditional use permit within a period of one (1) year of the date of its issuance, the conditional use permit shall expire. The Planning Commission may grant one (1) extension period of one (1) year. If the conditional use permit expires due to inaction, the applicant must reapply for a permit and pay all associated fees. (PZSC § 03-06-007)

SECTION A. REPEALER. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code are hereby repealed.

SECTION B. SEVERABILITY. The provisions of this ordinance shall be severable and if any provision thereof or the application of such provision under any circumstances is held invalid and it shall not affect the validity of any other provision of this ordinance or the application in a different circumstance.

SECTION C. EFFECTIVE DATE. This ordinance shall take effect the day after publication
the __ day of _____ 2015.

Mayor Sonja Norton

ATTEST:

Kenneth L. Bassett, City Recorder

(S E A L)

Date of Publication: _____

ORDINANCE NO. 2015-16

AN ORDINANCE AMENDING THE VERNAL CITY MUNICIPAL CODE, SECTION 5.04.050 - ASSISTANT LICENSE INSPECTORS -- DESIGNATION OF CODE ENFORCEMENT OFFICERS -- DUTIES AND SECTION 16.22.040 - NONCOMPLIANCE.

WHEREAS, the City Council finds that the regulation of business licenses is necessary for orderly growth and conduct of business within the City, and;

WHEREAS, the City Council deems it to be in the best interest of the health, safety and welfare of the citizens to incorporate the following changes to the provisions of the Vernal City Code, and;

WHEREAS, the City Council has received input from the public at large in duly noticed open meetings, and has considered and discussed the advantages and disadvantages of such regulation.

BE IT ORDAINED BY THE CITY COUNCIL OF VERNAL CITY, UTAH AS FOLLOWS:

Section 1. Section 5.04.050 is hereby amended to read as follows:

5.04.050 Assistant license inspectors--Designation of police officers and Building Official--Duties.

All ~~police officers~~ **Code Enforcement Officers** of the City, ~~as well as the City Building Official,~~ are appointed assistant inspectors of licenses, serving as enforcement officers of this Title, and shall examine all places of business or persons required to obtain business licenses. At least once each month the License Clerk shall report to the ~~Chief of Police~~ **Code Enforcement Division** all businesses or persons which have failed to obtain business licenses as required by this title. (Prior code § 11-01-005)(Ord. No. 94-20, Amended, 9/15/94)

Section 2. Section 16.22.040 is hereby amended to read as follows:

16.22.040 Noncompliance.

Any home occupation permit and/or business license shall be revoked by the Vernal City Council after review and recommendation by the Planning Commission and the Building Official, ~~or his designee,~~ upon failure to comply with the conditions imposed with the original approval of the permit. (PZSC § 03-10-004)

SECTION A. REPEALER. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code are hereby repealed.

SECTION B. SEVERABILITY. The provisions of this ordinance shall be severable and if any provision thereof or the application of such provision under any circumstances is held invalid and it shall not affect the validity of any other provision of this ordinance or the

application in a different circumstance.

SECTION C. EFFECTIVE DATE. This ordinance shall take effect the day after publication the __ day of _____ 2015.

ATTEST:

Mayor Sonja Norton

Kenneth L. Bassett, City Recorder

(S E A L)

Date of Publication: _____